

REMARKS

This communication responds to the Office Action mailed August 28, 2006 for the application captioned above. The following remarks are respectfully submitted.

New Claims

By this amendment, new claims 5-16 are added. No new matter is added by this amendment and the claims are supported by the application as filed.

Specifically, claim 5 is supported at least by paragraph 26 at page 8 of the application as filed.

Claim 6 is supported at least by paragraph 46 at pages 14-15 of the application as filed.

Claim 7 is supported at least by paragraph 10 at page 33 of the application as filed.

Claim 8 is supported at least by paragraph 32 at page 9 of the application as filed.

Claim 9 is supported at least by paragraph 33 at page 10 of the application as filed.

Claims 10-15 are supported at least by paragraph 32 at page 9 of the application as filed.

Claim 16 is supported at least by paragraph 33 at page 10 of the application as filed

Snell Does Not Disclose or Make Obvious Each and Every Element of Any of Claims 1-4 or of new claims 5-16.

Claims 1, 3, and 4 were rejected as anticipated by U.S. Patent No. 6,263,245 to Snell ("Snell") under 35 U.S.C. § 102(e). Claim 2 was rejected as anticipated by, or obvious under 35 U.S.C. §103(a), over Snell.

Snell discloses a system and method for obtaining data from an implantable medical device and delivering the data to a data processing device.

Snell uses a portable interrogation device to conduct a wireless interrogation of an implantable medical device and store the data received. At a later time the portable interrogation device is directly interfaced with a data processing device for analysis of the downloaded data.

Snell does not disclose or make obvious a medical device programmer module having a telemetry circuit with a connector electrically coupled to the telemetry circuit that is adapted to be received by a receptacle included in a clinical instrument as required by claim 1. Snell merely discloses a portable interrogation device that can be interfaced with a data processing device, and not with a clinical instrument. The programmer of claim 1 may be adapted to interface with clinical instruments including, but not limited to, a bedside patient monitoring console, an external defibrillator, or other medical instrument that includes monitoring and/or therapy delivery capabilities (Paragraph 28 of Application). The external programmer module of claim 1 may be designed to require less space than a stand-alone programmer and, particularly when used in conjunction with a clinical instrument, provide full programmer functionality. The programmer module of claim 1 may be adapted to cooperate with a clinical instrument and utilize features already available in a clinical instrument such as display, storage, central processing, and external communication links. These and other benefits of the programmer of claim 1 may not be achievable by the device of the Snell reference, which does not disclose or make obvious a programmer usable with a clinical instrument.

Snell also does not disclose or make obvious a medical device system comprising an implantable medical device, an internal programmer module, and a clinical instrument as claimed in claim 4. The medical device system of claim 4 allows integration of an internal programmer module with a clinical instrument that may already be in a patient's room. There may be significant reductions in space requirements and elimination of duplicative equipment as compared to a system as disclosed by Snell. The Snell disclosure does not disclose or make obvious at least a clinical instrument having a receptacle adapted to receive a

programmer module connector to achieve electrical connection of the clinical instrument and the programmer module.

Applicants respectfully request that all rejections be withdrawn with respect to claims 1 and 4 and that these claims be allowed. Because claims 2, 3, and new claim 5-9 depend from allowable claims 1 or 4 Applicants further request allowance of these claims as well.

New independent claim 10 covers a clinical instrument with a receptacle to receive a programmer module connector, among other things. The clinical instrument covered by claim 10 is not disclosed or made obvious by Snell. Applicant believes that this claim is allowable and respectfully requests that claims 10-16 also proceed to allowance.

The application presents 3 independent claims and 16 total claims. If the Examiner feels prosecution of the present application can be materially advanced by telephonic interview the undersigned would welcome a call at the number listed below. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account Number 13-2546.

Respectfully submitted,

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